

109TH CONGRESS
1ST SESSION

H. R. 2250

To require the Attorney General to investigate allegations of violations of Federal criminal law regarding elections not later than 30 days after receiving the allegation, to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and the handling of absentee ballots, to require individuals to produce photo identification as a condition of registering to vote or voting in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2005

Mr. GREEN of Wisconsin introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Attorney General to investigate allegations of violations of Federal criminal law regarding elections not later than 30 days after receiving the allegation, to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms and the handling of absentee ballots, to require individuals to produce photo identification as a condition of registering to vote or voting in elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Valuing Our Trust
5 in Elections Act”.

6 **SEC. 2. TIMETABLE FOR INVESTIGATION OF ALLEGATIONS**
7 **OF VIOLATIONS OF CRIMINAL LAW REGARD-**
8 **ING ELECTIONS.**

9 (a) 30-DAY DEADLINE FOR INITIATION OF INVES-
10 TIGATION.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law, not later than 30 days after receiv-
13 ing a complaint or other allegation of a violation of
14 any Federal criminal law regarding voter intimidat-
15 ion, election fraud, or any provision relating to vot-
16 ing or registering to vote in elections for Federal of-
17 fice, including section 3(b), the Attorney General
18 shall initiate an investigation of the complaint or al-
19 legation, and shall notify the chief election official of
20 the State involved of the status of the investigation
21 every 60 days until the investigation is completed.

22 (2) EXCEPTION FOR COMPLAINTS UNACCOM-
23 PANIED BY EVIDENCE.—Paragraph (1) shall not
24 apply with respect to a complaint or allegation re-
25 ceived by the Attorney General if the person filing

1 the complaint or allegation does not provide any evi-
 2 dence to support the complaint or allegation.

3 (b) EFFECT ON STATE ENFORCEMENT.—Nothing in
 4 this section may be construed to prohibit a State from in-
 5 vestigating complaints or allegations of violations of the
 6 offenses referred to in subsection (a), so long as the State
 7 does not interfere with or otherwise impede the investiga-
 8 tion initiated by the Attorney General.

9 (c) EFFECTIVE DATE.—This section shall apply with
 10 respect to complaints and allegations received by the At-
 11 torney General on or after the date of the enactment of
 12 this Act.

13 **SEC. 3. STANDARDS FOR DISTRIBUTION OF VOTER REG-**
 14 **ISTRATION APPLICATION FORMS.**

15 (a) REQUIRING STATES TO ESTABLISH STAND-
 16 ARDS.—Section 303 of the Help America Vote Act of 2002
 17 (42 U.S.C. 15483) is amended—

18 (1) by redesignating subsection (d) as sub-
 19 section (e); and

20 (2) by inserting after subsection (c) the fol-
 21 lowing new subsection:

22 “(d) STANDARDS FOR DISTRIBUTION AND TRANS-
 23 MITTAL OF VOTER REGISTRATION APPLICATION
 24 FORMS.—

25 “(1) DISTRIBUTION OF FORMS.—

1 “(A) ESTABLISHMENT OF STANDARDS.—
2 Each State shall establish standards for the dis-
3 tribution of voter registration application forms
4 for elections for Federal office under which an
5 individual shall be prohibited from distributing
6 any such form if the individual—

7 “(i) has been convicted of a felony
8 under any State or Federal law;

9 “(ii) does not provide identifying in-
10 formation (including the individual’s name,
11 address, and other appropriate contact in-
12 formation, including the name and address
13 of any organization which pays the indi-
14 vidual to distribute such forms) to each in-
15 dividual to whom the individual distributes
16 such a form; or

17 “(iii) does not meet any other require-
18 ments imposed by the State.

19 “(B) EXCEPTION FOR CERTAIN DISTRIBUTI-
20 TIONS.—Subparagraph (A) shall not apply in
21 the case of the distribution of a voter registra-
22 tion application form—

23 “(i) by an individual to any member
24 of the individual’s immediate family or to

1 any individual who shares a residence with
2 the individual;

3 “(ii) by an individual who distributes
4 10 or fewer of such forms with respect to
5 any election; or

6 “(iii) under such other circumstances
7 as the State may provide.

8 “(2) COLLECTION AND TRANSMITTAL OF
9 FORMS FOR CHIEF STATE ELECTION OFFICIAL.—
10 Any individual who collects a voter registration ap-
11 plication form for elections for Federal office and
12 transmits the form to the chief State election official
13 for verification by the election official shall include
14 with each such form a statement signed by the indi-
15 vidual under penalty of perjury that the applicant
16 presented the individual with a current, valid, gov-
17 ernment-issued photo identification that matched the
18 name and identifying information provided on the
19 completed application form.”.

20 (b) PENALTIES.—

21 (1) DISTRIBUTION AND TRANSMITTAL OF
22 FORMS BY INDIVIDUALS NOT MEETING STAND-
23 ARDS.—Any person who distributes a voter registra-
24 tion application form for elections for Federal office
25 in a State who does not meet the standards estab-

1 lished by the State for the distribution of such forms
2 pursuant to section 303(d) of the Help America
3 Vote Act of 2002 (as added by subsection (a)), or
4 who collects and transmits a form which does not in-
5 clude the information required under section
6 303(d)(2), shall be guilty of a misdemeanor and
7 fined in accordance with title 18, United States
8 Code.

9 (2) EMPLOYMENT OF INELIGIBLE INDIVIDUAL
10 TO DISTRIBUTE FORMS.—Any person who employs
11 an individual to distribute voter registration applica-
12 tion forms for elections for Federal office in a State
13 and who knows, or should reasonably be expected to
14 know, that the individual does not meet the stand-
15 ards established by the State for the distribution of
16 such forms pursuant to section 303(d) of the Help
17 America Vote Act of 2002 shall be guilty of a mis-
18 demeanor and fined in accordance with title 18,
19 United States Code.

20 (c) EFFECTIVE DATE.—

21 (1) ESTABLISHMENT OF STANDARDS BY
22 STATES.—Section 303(e) of the Help America Vote
23 Act of 2002, as redesignated by subsection (a), is
24 amended by adding at the end the following new
25 paragraph:

1 “(3) STANDARDS FOR DISTRIBUTION OF VOTER
2 REGISTRATION APPLICATION FORMS.—Each State
3 shall be required to comply with the requirements of
4 subsection (d) on and after the expiration of the
5 180-day period which begins on the date of the en-
6 actment of the Valuing Our Trust in Elections
7 Act.”.

8 (2) ADOPTION OF VOLUNTARY GUIDANCE BY
9 ELECTION ASSISTANCE COMMISSION.—Section
10 311(a) of such Act (42 U.S.C. 15501(a)) is amend-
11 ed—

12 (A) in paragraph (2), by striking “and” at
13 the end;

14 (B) in paragraph (3)—

15 (i) by striking “section 303” and in-
16 serting “section 303 (other than subsection
17 (d))”, and

18 (ii) by striking the period at the end
19 and inserting “; and”; and

20 (iii) by adding at the end the fol-
21 lowing new paragraph:

22 “(4) in the case of the recommendations with
23 respect to section 303(d), 120 days after the date of
24 the enactment of the Valuing Our Trust in Elections
25 Act.”.

1 **SEC. 4. STANDARDS FOR HANDLING ABSENTEE BALLOTS.**

2 (a) ESTABLISHMENT OF STANDARDS BY ELECTION
3 ASSISTANCE COMMISSION.—

4 (1) IN GENERAL.—Subtitle C of title II of the
5 Help America Vote Act of 2002 (42 U.S.C. 15381
6 et seq.) is amended by inserting after section 246
7 the following new section:

8 **“SEC. 246A. ESTABLISHMENT OF STANDARDS FOR HAN-**
9 **DLING ABSENTEE BALLOTS.**

10 “(a) ESTABLISHMENT OF STANDARDS.—The Com-
11 mission shall establish standards for the prevention of
12 fraud and abuse in the handling of absentee ballots in elec-
13 tions for Federal office, and shall include in the standards
14 a prohibition against the handling of an absentee ballot
15 by any individual other than the voter or any person au-
16 thorized to handle material delivered to the individual (in-
17 cluding a caregiver or guardian).

18 “(b) DEADLINE; REVISION.—The Commission shall
19 establish the standards required under this section not
20 later than 120 days after the date of the enactment of
21 the Valuing Our Trust in Elections Act, and shall review
22 and (if necessary) revise the standards every 4 years
23 thereafter.”.

24 (2) CLERICAL AMENDMENT.—The table of con-
25 tents of subtitle C of title II of such Act is amended

1 by inserting after the item relating to section 246
2 the following new item:

“Sec. 246A. Establishment of standards for handling absentee ballots.”.

3 (b) REQUIRING STATES TO COMPLY WITH STAND-
4 ARDS IN ADMINISTERING ELECTIONS.—

5 (1) IN GENERAL.—Subtitle A of title III of
6 such Act (42 U.S.C. 15481 et seq.) is amended by
7 inserting after section 303 the following new section:

8 **“SEC. 303A. COMPLIANCE WITH STANDARDS FOR HAN-**
9 **DLING ABSENTEE BALLOTS.**

10 “(a) IN GENERAL.—Each State shall distribute, col-
11 lect, and process absentee ballots in elections for Federal
12 office in accordance with the standards established by the
13 Commission under section 246A.

14 “(b) EFFECTIVE DATE.—This section shall take ef-
15 fect upon the expiration of the 60-day period which begins
16 on the date the Commission establishes standards under
17 section 246A.”.

18 (2) CONFORMING AMENDMENT RELATING TO
19 ENFORCEMENT OF REQUIREMENT.—Section 401(a)
20 of such Act (42 U.S.C. 15511(a)) is amended by
21 striking “sections 301, 302, and 303” and inserting
22 “subtitle A of title III”.

1 (3) CLERICAL AMENDMENT.—The table of con-
 2 tents of such Act is amended by inserting after the
 3 item relating to section 303 the following new item:

“Sec. 303A. Compliance with standards for handling absentee ballots.”.

4 (c) PENALTIES.—Any person who knowingly and
 5 willfully handles an absentee ballot in an election for Fed-
 6 eral office in a fraudulent manner shall be fined in accord-
 7 ance with title 18, United States Code.

8 **SEC. 5. REQUIRING INDIVIDUALS REGISTERING TO VOTE**
 9 **AND VOTERS TO PROVIDE PHOTO IDENTI-**
 10 **FICATION.**

11 (a) INDIVIDUALS REGISTERING TO VOTE.—Section
 12 303(a)(5)(A) of the Help America Vote Act of 2002 (42
 13 U.S.C. 15483(a)(5)(A)) is amended by adding at the end
 14 the following new clause:

15 “(iv) PHOTO IDENTIFICATION.—

16 “(I) REQUIREMENT.—Notwith-
 17 standing any other provision of law,
 18 an application for voter registration
 19 for an election for Federal office may
 20 not be accepted or processed by a
 21 State unless the applicant—

22 “(aa) presents to the elec-
 23 tion official accepting the appli-
 24 cation a current, valid, govern-
 25 ment-issued photo identification,

1 in the case an applicant who pre-
2 sents the application in person to
3 an election official, including any
4 individual deputized by the State
5 to accept and process such appli-
6 cations; or

7 “(bb) includes with the ap-
8 plication a copy of a current,
9 valid, government-issued photo
10 identification, in the case of any
11 other applicant.

12 “(II) EXCEPTION.—A State may
13 establish exceptions to the require-
14 ments of subclause (I) in the case of
15 individuals who are unable to obtain
16 photo identification because of dis-
17 ability or physical incapacity.”.

18 (b) VOTERS.—

19 (1) IN GENERAL.—Section 303(b) of such Act
20 (42 U.S.C. 15483(b)) is amended—

21 (A) in the heading, by striking “FOR VOT-
22 ERS WHO REGISTER BY MAIL” and inserting
23 “FOR PROVIDING PHOTO IDENTIFICATION”;
24 and

1 (B) by striking paragraphs (1) through (3)
2 and inserting the following:

3 “(1) INDIVIDUALS VOTING IN PERSON.—Not-
4 withstanding any other provision of law, the appro-
5 priate State or local election official may not provide
6 a ballot for an election for Federal office (including
7 a provisional ballot under section 302(a)) to an indi-
8 vidual who desires to vote in person unless the indi-
9 vidual presents to the official a current, valid, gov-
10 ernment-issued photo identification.

11 “(2) INDIVIDUALS VOTING BY MAIL.—Notwith-
12 standing any other provision of law, the appropriate
13 State or local election official may not accept any
14 ballot for an election for Federal office provided by
15 an individual who votes by mail unless the individual
16 submits with the ballot a copy of a current, valid,
17 government-issued photo identification.

18 “(3) EXCEPTION.—A State may establish ex-
19 ceptions to the requirements of paragraphs (1) and
20 (2) in the case of individuals who are unable to ob-
21 tain photo identification because of disability or
22 physical incapacity.”.

23 (2) CONFORMING AMENDMENTS.—Section 303
24 of such Act (42 U.S.C. 15483) is amended—

1 (A) in the heading, by striking “**FOR VOT-**
 2 **ERS WHO REGISTER BY MAIL**” and inserting
 3 “**FOR PROVIDING PHOTO IDENTIFICA-**
 4 **TION**”; and

5 (B) in subsection (c), by striking “sub-
 6 sections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)”
 7 and inserting “subsection (a)(5)(A)(i)(II)”.

8 (3) CLERICAL AMENDMENT.—The table of con-
 9 tents of such Act is amended by amending the item
 10 relating to section 303 to read as follows:

“Sec. 303. Computerized statewide voter registration list requirements and re-
 quirements for providing photo identification.”.

11 (4) EFFECTIVE DATE.—Section 303(d) of such
 12 Act (42 U.S.C. 15483(d)) is amended to read as fol-
 13 lows:

14 “(d) REQUIREMENT TO PROVIDE PHOTO IDENTI-
 15 FICATION.—Subsections (a)(5)(A)(iv) and (b) shall apply
 16 with respect to the regularly scheduled general election for
 17 Federal office held in November 2006 and each succeeding
 18 election for Federal office.”.

19 (c) PROVIDING FINANCIAL ASSISTANCE TO STATES
 20 TO SUBSIDIZE COSTS TO INDIVIDUALS OF REQUIRED
 21 PHOTO IDENTIFICATION.—

22 (1) IN GENERAL.—Subtitle D of title II of such
 23 Act (42 U.S.C. 15401 et seq.) is amended by adding
 24 at the end the following new part:

1 **“PART 7—PAYMENTS TO ASSIST LOW-INCOME IN-**
2 **DIVIDUALS IN OBTAINING REQUIRED PHOTO**
3 **IDENTIFICATION**

4 **“SEC. 297. FINANCIAL ASSISTANCE TO STATES TO SUB-**
5 **SIDIZE COSTS TO INDIVIDUALS OF REQUIRED**
6 **PHOTO IDENTIFICATION.**

7 “(a) IN GENERAL.—The Commission shall make pay-
8 ments to eligible States for assisting individuals with cov-
9 ering the costs of obtaining the government-issued photo
10 identification an individual must present or provide in
11 order to receive a ballot in an election for Federal office
12 under section 303(b).

13 “(b) USE OF FUNDS.—

14 “(1) IN GENERAL.—A State receiving a pay-
15 ment under this part shall use the payment to re-
16 duce the amount the State would otherwise require
17 an individual to pay to obtain the photo identifica-
18 tion required under section 303(b).

19 “(2) LIMITATIONS.—A State may not use a
20 payment under this part—

21 “(A) to reduce the amount an individual
22 pays for an identification unless the individual
23 is a low-income individual, as determined by the
24 State in accordance with such criteria and tests
25 as the State may establish;

1 “(B) to reduce the amount an individual
2 pays for an identification by more than \$9; or

3 “(C) to reduce the amount an individual is
4 otherwise required to pay for a driver’s license.

5 “(c) ELIGIBILITY OF STATES.—A State is eligible to
6 receive a payment under this part if the State submits
7 to the Commission (at such time and in such form as the
8 Commission may require) an application containing such
9 information and assurances as the Commission may re-
10 quire.

11 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated for pay-
13 ments under this part such sums as may be necessary for
14 fiscal year 2006 and each succeeding fiscal year, to remain
15 available until expended.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents of such Act is amended by adding at the end
18 of the item relating to subtitle D of title II the fol-
19 lowing:

“PART 7—PAYMENTS TO ASSIST LOW-INCOME INDIVIDUALS IN OBTAINING
REQUIRED PHOTO IDENTIFICATION

“Sec. 297. Financial assistance to States to subsidize costs to individuals of re-
quired photo identification.

“Sec. 297A. Authorization of appropriations.”.

20 **SEC. 6. TRAINING FOR POLL WORKERS.**

21 (a) REQUIRING POLL WORKERS TO UNDERGO
22 TRAINING.—

1 (1) IN GENERAL.—Subtitle A of title III of the
2 Help America Vote Act of 2002 (42 U.S.C. 15481
3 et seq.), as amended by section 3(b), is amended by
4 inserting after section 303A the following new sec-
5 tion:

6 **“SEC. 303B. TRAINING PROGRAMS FOR POLL WORKERS.**

7 “(a) REQUIRING POLL WORKERS TO UNDERGO
8 TRAINING.—No individual may serve as an election offi-
9 cial at any polling place for any election for Federal office
10 unless the State certifies that the individual has success-
11 fully completed a program sponsored by the State under
12 which the individual is trained in the applicable laws gov-
13 erning election administration in the State, including the
14 laws governing who is eligible to vote, the forms of identi-
15 fication that may be accepted at the polling place, how
16 votes are cast, and the procedures for contacting other of-
17 ficials in the event that problems occur during the day
18 of the election.

19 “(b) EFFECTIVE DATE.—This section shall apply
20 with respect to the regularly scheduled general election for
21 Federal office held in November 2006 and each succeeding
22 election for Federal office.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents of subtitle A of title III of such Act is amend-

1 ed by inserting after the item relating to section 303
2 the following new item:

“Sec. 303B. Training programs for poll workers.”.

3 (b) PROVIDING FUNDS TO STATES TO CARRY OUT
4 PROGRAMS.—Section 257(a) of such Act (42 U.S.C.
5 15407(a)) is amended by adding at the end the following
6 new paragraph:

7 “(4) For fiscal year 2006 and each succeeding
8 fiscal year, such sums as may be necessary, except
9 that funds provided pursuant to the authorization
10 under this paragraph may be used only for purposes
11 of meeting the requirements of section 303B (relat-
12 ing to training programs for poll workers).”.

13 **SEC. 7. MANDATORY AUDIT OF STATE COMPLIANCE WITH**
14 **REQUIREMENTS.**

15 (a) MANDATORY AUDIT BY COMMISSION.—Title IV
16 of the Help America Vote Act of 2002 (42 U.S.C. 15511
17 et seq.) is amended by adding at the end the following
18 new section:

19 **“SEC. 403. AUDIT OF STATE COMPLIANCE WITH REQUIRE-**
20 **MENTS.**

21 “(a) AUDIT OF COMPLIANCE OF STATES RECEIVING
22 FUNDING.—If a State receives any payment under a pro-
23 gram under this Act, the Commission may (at such times
24 as it considers appropriate) conduct an audit to review the

1 State’s compliance with the applicable requirements of this
2 Act.

3 “(b) PENALTY FOR FAILURE TO CURE NONCOMPLI-
4 ANCE.—If, as a result of an audit conducted under this
5 section, the Commission notifies a State that the State
6 is not in compliance with any of the applicable require-
7 ments of this Act and the State does not cure the non-
8 compliance prior to the expiration of the 60-day period
9 which begins on the date the Commission notifies the
10 State, the Commission may impose such penalty upon the
11 State (including a civil money penalty or a reduction in
12 the amount of any payment to the State under a program
13 under this Act) as it considers appropriate.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 of such Act is amended by adding at the end of the item
16 relating to title IV the following new item:

“Sec. 403. Audit of State compliance with requirements.”.

